

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

SHELLY IVEY	§	
VS.	§	CIVIL ACTION NO. 9:11cv85
THOMAS TOOMEY, ET AL.	§	

MEMORANDUM ORDER ADOPTING  
SECOND REPORT AND RECOMMENDATION

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Second Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore **ORDERED** that Plaintiff Shelly Ivey shall recover of and from Defendant Thomas Toomey<sup>1</sup>:

1. Twenty-Five Thousand Dollars (\$25,000) in compensatory damages;
2. Twenty-Five Thousand Dollars (\$25,000) in punitive damages;
3. Pre-judgment interest on the \$25,000 compensatory damages award at the rate of 5%;
4. Post-judgment interest on the entire sum calculated pursuant to 28 U.S.C § 1961 at the rate of 0.18% per annum until paid in full;

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<sup>1</sup>The claims against all of the other Defendants were dismissed with prejudice on March 6, 2012. Docket entry #24.

5. Attorney fees in the amount of \$30,000, which sum shall also accrue post-judgment interest at the rate of 0.18% per annum until paid in full.
6. Costs of court.

**IT IS FURTHER ORDERED** that all relief not specifically granted herein, including all pending motions, is **DENIED**. This is a final, appealable judgment.

So **ORDERED** and **SIGNED** this **1** day of **June, 2012**.



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Ron Clark, United States District Judge